

BEFORE THE TENNESSEE STATE DEPARTMENT OF EDUCATION

IN THE MATTER OF:

N. B.

v.

NO. 99-68

ANDERSON COUNTY SCHOOL SYSTEM

ORDER

Marilyn L. Hudson
Administrative Law Judge
606 Main Avenue, Suite 202
Knoxville, TN 37902
(865) 525-4200

January 4, 2000

ORDER

Case No. 99-68

This matter having come before the undersigned pursuant to the parent's request for a due process hearing; Lenny L. Croce, Esq., having appeared on behalf of the parent and Melinda M. Baird, Esq., having appeared on behalf of the school; and Mr. Croce having advised the undersigned that all issues had been resolved between the parties except the parent's request for an independent educational evaluation at the expense of the school prior to any further testing by the school; both parties having briefed the issue and the parent having filed a brief in response to the school's brief; the undersigned having considered the pleadings and arguments of both counsel heard by telephone conference on December 10, 1999; and it appearing that the school does not have a current evaluation upon which it intends to rely for evaluation and placement of the student; pursuant to the authority of 20 U.S.C. § 141(a)(2)(A) and 34 C.F.R. § 300.536(b); and for further good cause shown; it is

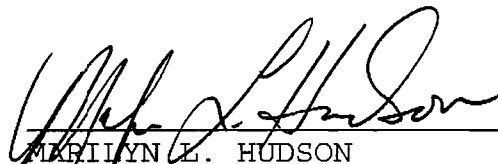
ORDERED that the school's motion to conduct a comprehensive reevaluation of the student be and hereby is GRANTED; and it is

FURTHER ORDERED that any such reevaluation(s) conducted by the school shall be completed on or before January 31, 2000; and it is

FURTHER ORDERED that the parent's motion for an independent evaluation of the student to be conducted by professional(s) of the parent's choosing and at the expense of the school be and hereby is DENIED.

Nothing in this Order shall prohibit the parent from obtaining evaluation(s) of the child at the expense of the parent nor shall it prohibit the parent from requesting further relief in the event the parent disagrees with the evaluations conducted by the school.

ENTER this the 4 day of January, 2000.



MARILYN L. HUDSON
ADMINISTRATIVE LAW JUDGE


CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Order for Hearing has been served upon the following as set out below on this 4 day of January, 2000:

Lenny L. Croce, Esquire - via facsimile & regular mail
Attorney for Parent
Rural Legal Services of Tennessee, Inc.
P.O. Box 5209
Oak Ridge, TN 37831-5209

Melinda Maloney Baird, Esquire - via facsimile & regular mail
300 Montvue Road, Suite F
Knoxville, TN 37919

Bill Ward, Due Process Coordinator, - via regular mail
Division of Special Education
Tennessee State Department of Education
8th Floor, Gateway Plaza
710 James Robertson Parkway
Nashville, TN 37243-0380



MARILYN L. HUDSON